BILL NO. S-82-07-22

SPECIAL ORDINANCE NO. S-121-82

AN ORDINANCE approving a Fire Protection Contract between the City of Fort Wayne and Zollner Corporation.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated June 1, 1982 between the City of Fort Wayne by and through its Mayor and Board of Commissioners, Department of Public Safety and Zollner Corporation, for:

> Fire Protection Service to be provided by the City of Fort Wayne Fire Department to certain improvements upon real estate near but outside of the corporate limits of the City of Fort Wayne, which real estate is owned by said Zollner Corporation,

for a total cost of Six Thousand Six Hundred Six and 10/100 Dollars ($6,606.10), all as more particularly set forth in said contract which is on file in the Office of the Department of Public Safety and attached hereto, made a part hereof as if fully set out herein, be and the same is hereby in all things ratified, confirmed and approved. Two copies of said Fire Protection Contract are on file with the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. Giaquinta
Councilmember

APPROVED AS TO FORM
AND LEGALITY

Bruce O. Boxberger, City Attorney

Read the first time in full and on motion by Gin Quirk, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee Finance (and the City Plan Commission for recommendation) ~~and Public Hearing~~ to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19__, at _____ o'clock .M.,E.S.T.

DATE: 7-27-82

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Read the third time in full and on motion by Gin Quirk, seconded by Talarico, and duly adopted, placed on its passage. PASSED (~~LOST~~) by the following vote:

| | AYES | NAYS | ABSTAINED | ABSENT | TO-WIT: |
|---|---|---|---|---|---|
| TOTAL VOTES | 8 | 0 | | | |
| BRADBURY | ✓ | | | | |
| BURNS | ✓ | | | | |
| EISBART | ✓ | | | | |
| GiaQUINTA | ✓ | | | | |
| [illegible]S | | | | | |
| SCHMIDT | ✓ | | | | |
| SCHOMBURG | ✓ | | | | |
| STIER | ✓ | | | | |
| TALARICO | ✓ | | | | |

DATE: 8-10-82

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~ZONING MAP~~) (~~GENERAL~~) (~~ANNEXATION~~) (SPECIAL) (~~APPROPRIATION~~) ORDINANCE (~~RESOLUTION~~) NO. S-131-82 on the 10th day of August, 1982.

ATTEST: (SEAL)

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of August, 1982, at the hour of 11:30 o'clock A.M.,E.S.T.

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this 13th day of August 1982, at the hour of 10 o'clock A.M.,E.S.T.

Win Moses Jr.
WIN MOSES, JR. - MAYOR

BILL NO. S-82-07-22

REPORT OF THE COMMITTEE ON FINANCE

WE, YOUR COMMITTEE ON Finance TO WHOM WAS REFERRED AN ORDINANCE approving a Fire Protection Contract between the City of Fort Wayne and Zollner Corporation

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE DO PASS.

MARK E. GiaQUINTA - CHAIRMAN

PAUL M. BURNS - VICE CHAIRMAN

JAMES S. STIER

JOHN NUCKOLS

DONALD J. SCHMIDT

9-10-82
DATE

CONCURRED IN
CHARLES W. WESTERMAN CITY CLERK

FIRE PROTECTION CONTRACT

This contract is entered into in duplicate this 1st day of June, 1982, between the City of Fort Wayne, Indiana, acting by and through its Mayor and Board of Commissioners, Department of Public Safety, ("CITY") and Zollner Corporation, an Indiana corporation having its principal place of business in Adams Township, Allen County, Indiana ("ZOLLNER").

WHEREAS, ZOLLNER is the owner of certain improvements upon real estate near but outside the corporate limits of the CITY, described as follows:

> All buildings and improvements of Zollner, presently located or hereinafter located on an area which has a frontage of 602.4 feet more or less, along the east right of way line of Coliseum Boulevard South, a north boundary line of 1381 feet more or less, an east boundary line of 765.1 feet more or less, and a south boundary line of 1854 feet more or less.
>
> The said buildings and improvements which are collectively referred to as "the premises" hereafter in this contract are reflected for tax purposes as real estate assessed valuation of $657,400 and personal property assessed valuation of $2,020,650 issued by the Treasurer of Allen County, Indiana. The total assessed valuation being $2,678,050.

and, WHEREAS, ZOLLNER desires to be assured that fire protection by CITY is available at the premises above described:

Now, THEREFORE, the parties agree as follows:

1. For one (1) continuous calendar year from the date of this agreement, upon the receipt by CITY'S Fire Department of a notification or signal that there is a fire on the premises above described, CITY shall cause the proper fire fighting station or stations to send such fire fighting equipment, materials, and personnel to the premises as it reasonably sends to other similar locations within the corporate limits of CITY.

2. For Fire fighting services provided for herein, ZOLLNER shall pay to the CITY at the rate of one quarter of 1% (.0025) on the first 2.5 million dollars of assessed valuation and a rate of 2/10 of 1% (.002) on the remaining $178,050 of assessed valuation hereinafter identified as the premises. The hereinabove identified having an assessed valuation total of $2,678,050, the sum owing under this contract is therefore, $6,606.10.

Said sum shall be payable as follows:

1. $3,303.05 shall be payable upon execution of this contract.
2. The balance due shall be $3,303.05 payable on or before November 1, 1982.

3. CITY shall cause its Fire Department personnel and Fire Prevention Bureau personnel to inspect ZOLLNER'S building, equipment, and facilities periodically, at mutually convenient times, to familiarize such personnel with said buildings, equipment, and facilities and ZOLLNER'S operation on the premises, so as to (1) determine the types of fires which may reasonably be anticipated on the premises; (2) to be able to render service commensurate with existing service conditions; (3) so as to make recommendations relative to fire prevention.

4. The CITY and the CITY'S Fire Department shall not assume any liability for the safety, well-being or destruction of any structures, buildings or the contents herein nor for individuals involved herein in the execution of the contract.

5. Notwithstanding the foregoing provisions, this contract shall not become effective until it shall have been signed by the Mayor and the members of the Board of Commissioners, Department of Public Safety, and ratified and approved by the Common Council of CITY.

ZOLLNER CORPORATION

By: Paul O. Schirmeyer
Paul O. Schirmeyer, Treasurer

CITY OF FORT WAYNE, INDIANA

By:
Win C. Moses, Jr., Mayor

BOARD OF COMMISSIONERS,
DEPARTMENT OF PUBLIC SAFETY

By: Nick Palermo
Nick Palermo, Chairman

By: ~~Helen P. Brown, Member~~

By: William H. White
William H. White, Member

I hereby certify that the foregoing contract was ratified and approved by the Common Council of the City of Fort Wayne, Indiana on August 10 1982.

By: Charles W. Westerman
Charles W. Westerman, Clerk

Admn. Appr. _____

DIGEST SHEET

S-82-07-22

TITLE OF ORDINANCE Outside the City Fire Contract

DEPARTMENT REQUESTING ORDINANCE Board of Public Safety

SYNOPSIS OF ORDINANCE This would allow the City of Fort Wayne to provide fire protection for Zollner Corporation. They, in turn, will pay the City $6,606.10 which is used to purchase fire equipment.

EFFECT OF PASSAGE The Fort Wayne Fire Department will receive $6,606.10

EFFECT OF NON-PASSAGE The Fire Department will lose $6,606.10

MONEY INVOLVED (Direct Costs, Expenditures, Savings) none

ASSIGNED TO COMMITTEE (J.N.) _____

DATE SUBMITTED: July 19, 1982